

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT GAGNE,

Plaintiff,

v.

UNITED STATES OF AMERICA,
JEAN LANDIS NAUMANN, and
ADOLPHO SANCHEZ,

Defendants.

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Civil Action No. 09-11128-JLT

ORDER

March 29, 2010

TAURO, J.

Plaintiff, a civilly committed mental patient at the Massachusetts Department of Mental Health, brought this against Defendants in Plymouth Superior Court, alleging that Defendants unlawfully interfered with his attempts to obtain Social Security Disability Insurance Benefits. Presently at issue is Defendants' Motion to Dismiss [#11]. Because Plaintiff is ineligible to receive Social Security Disability Insurance Benefits as a matter of law, Defendants' Motion to Dismiss [#11] is ALLOWED.

42 U.S.C. § 402(x)(1)(A)(iii) expressly disqualifies a civilly committed individual from receiving Disability Insurance Benefits, if the individual "is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator." Because Plaintiff is civilly committed pursuant to an order of a

Massachusetts state court finding him a sexually dangerous person or sexual predator,¹ Plaintiff is ineligible for the relief he seeks as a matter of law. This case is DISMISSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

¹Aff. of Donna Swanson, ¶ 3.